

REMARKS/ARGUMENTS

Claims 1, 2, 4-31 and 33 are pending herein. Claims 4-30 have been allowed. Claim 32 has been incorporated into pending claim 31, and thus claim 32 has been cancelled without prejudice or disclaimer. Claim 1 has been amended as supported throughout the original specification. Claim 16 has been amended for clarification purposes only. New dependent claim 33 is added hereby as supported throughout the original specification.

Applicants appreciate the PTO's indication in the Office Action that claims 4-30 have been allowed, and that claims 2 and 32 would be allowed if rewritten in independent form. Although Applicants do not acquiesce to the art-based rejections of record, the subject matter of claim 32 has been incorporated into pending independent claim 31. Consequently, pending independent claim 31 is now in condition for allowance.

Applicants respectfully submit that, for the reasons discussed below, pending independent claim 1 (as amended above) defines patentable subject matter over the applied prior art of record, and thus is also in condition for allowance.

1. Claims 1 and 3* were rejected under §102(e) over Takeuchi et al. (U.S. 6,249,370). To the extent that this rejection might be applied against amended claim 1, it is respectfully traversed.

Pending independent claim 1 recites, among other things, that a display device includes an optical waveguide plate. Pending claim 1 has been amended to clarify that light propagates within the optical waveguide plate. The PTO's citations to the applied prior art of record, discussed below, do not disclose or suggest an optical waveguide plate in which light propagates within the optical waveguide plate itself, as claimed.

The PTO appears to argue that light-shielding plate 12 (shown in Figs. 33 and 34 of Takeuchi) corresponds to the claimed optical waveguide plate (see Office Action page 2, paragraph 2a). While Applicants acknowledge that light can be emitted through light-transmitting holes 20 formed through light-shielding plate 12, it is respectfully submitted that skilled artisans would understand that light does not propagate within the material of Takeuchi's light-shielding plate 12 itself. If light actually propagated within plate 12, Takeuchi's shutter means would not function properly.

*The rejection of claim 3 is believed to be an oversight by the PTO because pending claim 3 was cancelled (without prejudice or disclaimer) in the Amendment submitted on September 27, 2002.

Pending claim 1 has been amended to clarify that "light propagates within said optical waveguide plate." This feature cannot be satisfied by Takeuchi's plate 12. The §102(e) rejection should be withdrawn for this reason alone.

In addition, skilled artisans would know that incorporating Takeuchi's Fig. 1 cross pieces 30 into the structures shown in Takeuchi's Figs. 33 and 34 (which appears to be the PTO's position stated in paragraph 2a on page 2 of the Office Action) would undoubtedly lead to a display device that would not operate as Takeuchi intended. Takeuchi's Figs. 33 and 34 clearly show that light 10 propagates through an open space between light-shielding plate 100 and actuator substrate 22. As such, modifying the display structures shown in Takeuchi's Figs. 33 and 34 to include "a cross piece intervening between said optical waveguide and said actuator substrate and surrounding said actuator element," as recited in pending claim 1, would certainly prevent light 10 from propagating through the open space between light-shielding plate 100 and actuator substrate 22, which, in turn, would render the display devices shown in Takeuchi's Figs. 33 and 34 inoperable.

Furthermore, in addition to the above, light-shielding plate 100 shown in Takeuchi's Figs. 33 and 34 is a relatively thin metal plate as compared to Takeuchi's Fig. 1 light-shielding plate 12, which is comparatively heavier than thin light-shielding plate 100. As such, the lighter plate 100 would not need the additional supports required for the heavier plate 12. Thus, even if one were to completely ignore the fact that incorporating Takeuchi's Fig. 1 cross pieces 30 into the embodiments discussed above would lead to an inoperable display device, one would still have had absolutely no reason to add supporting cross pieces that intervene between light-shielding plate 100 and actuator substrate 22. Indeed, making such a modification would be unnecessary and only serve to increase the cost of manufacturing Takeuchi's display device.

New dependent claim 33 has been added to further distinguish the present application over Takeuchi. For example, new claim 33 recites that light propagates through the optical waveguide plate in a direction that is perpendicular to the displacement direction of the actuator element. In contrast to new dependent claim 33, Figs. 33 and 34 of Takeuchi clearly show that light passes through light-transmitting holes 20 in a direction that is parallel to the actuation direction. Accordingly, new claim 33 provides further patentable distinctions over Takeuchi.

In view of all of the foregoing, reconsideration and withdrawal of the §102(e) rejection over Takeuchi et al. are respectfully requested.

2. Claim 31 was rejected under §102(b) over Takeuchi et al. (U.S. 5,862,275). As discussed above, the subject matter of claim 32, which the PTO indicated would be allowed if rewritten in independent form, has been incorporated into pending independent claim 31. Consequently, since pending claim 31 is now in condition for allowance, Applicants respectfully request that this rejection be withdrawn.

As previously stated in the paragraph bridging pages 3 and 4 of Applicants' Request for Reconsideration filed on June 3, 2003, Applicants appreciate the indication in PTO Paper No. 18 (electronically transmitted February 28, 2003) that the co-pending applications listed in the Information Disclosure Statements filed on March 26, 2002, September 16, 2002, and November 20, 2002 have been read and considered during the prosecution of the present application. The PTO is once again requested to enter a similar statement in the record indicating that co-pending application 10/167,841, which is listed in the Information Disclosure Statement filed on June 27, 2002, has also been read and considered during the prosecution of the present application.

On page 4 of the above-identified Request for Reconsideration, Applicants requested that the PTO confirm receipt and consideration of the Information Disclosure Statements filed June 13, 2001 and March 14, 2003 (received in the PTO on March 20, 2003). The PTO is once again requested to confirm receipt and consideration of these Information Disclosure Statements.

In addition to the above, Applicants are noting for the record that the PTO's statement on page 2 of the Office Action with respect to §102(e) is erroneous because the present application was filed after November 29, 2000. Consequently, the changes made to 35 U.S.C. §102(e) by the American Inventor's Protection Act of 1999 (AIPA) apply to the examination of this application.


If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

December 4, 2003

Date



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